

ORDINANCE NO. 09-01

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AMENDING THE TOWN OF FOUNTAIN HILLS ZONING ORDINANCE, CHAPTER 8, OUTDOOR LIGHTING CONTROL, RELATING TO THE GENERAL REQUIREMENTS AND PROHIBITIONS.

WHEREAS, the Mayor and Council of the Town of Fountain Hills (the "Town Council") adopted Ordinance No. 93-22, which adopted the Zoning Ordinance for the Town of Fountain Hills (the "Zoning Ordinance"); and

WHEREAS, the Town Council desires to amend the Zoning Ordinance to revise Chapter 8, Outdoor Lighting Control, to allow the use of compact fluorescent bulbs in outdoor applications; and

WHEREAS, in accordance with the Zoning Ordinance and pursuant to ARIZ. REV. STAT. § 9-462.04, as amended, public hearings regarding this ordinance were advertised in the November 26, 2008 and December 17, 2008 editions of the Fountain Hills Times; and

WHEREAS, public hearings were held by the Fountain Hills Planning and Zoning Commission on December 11, 2008, and by the Town Council on January 15, 2009.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS as follows:

SECTION 1. That the Zoning Ordinance, Chapter 8, Outdoor Lighting Control Section 8.03 (B), General Requirements, Requirements for Shielding, is amended as follows:

<u>Fixture Lamp Type</u>	<u>Requirements for Shielding/Filtration</u>	
	<u>Must be Shielded</u>	<u>Filtering Recommended</u>
Low pressure sodium ¹	Partially	None
High pressure sodium	Fully	None
Metal halide ²	Fully	Yes
Fluorescent	Fully ³	Yes ³
Quartz ⁵	Fully	None
Incandescent greater than 150w	Fully	None
COMPACT FLUORESCENT GREATER THAN 52w	FULLY	NONE
Incandescent 75w to 150w	Partially	None
COMPACT FLUORESCENT 18w TO 52w	PARTIALLY	YES ⁴
Incandescent less than 75w	None	None
COMPACT FLUORESCENT LESS THAN 18w	NONE	YES ⁴
Fossil fuel	None	None

Glass tubes filled with neon, argon, and
krypton:
Other sources

None
None
As approved by the zoning administrator

- 1 This is the preferred light source to minimize undesirable light into the night sky affecting astronomical observations.
- 2 Metal halide lamps shall be in enclosed luminaries. See also Section 8.04.F.
- 3 Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding.
- 4 Warm white and natural lamps are preferred to minimize detrimental effects.
- 5 For the purposes of this division, a quartz lamp shall not be considered an incandescent light source.
- 6 Recommended for existing fixtures. See also Section 8.04.G.

SECTION 2. That the Zoning Ordinance, Chapter 8, Outdoor Lighting Control Section 8.04 (C), Prohibitions, Outdoor Building or Landscaping Illumination, is amended as follows

The unshielded outdoor illumination of any building, landscaping, signing or other purpose, is prohibited except with incandescent fixtures drawing less than seventy-five (75) watts OR WITH COMPACT FLUORESCENT FIXTURES DRAWING NO MORE THAN EIGHTEEN (18) WATTS. The combined outdoor unshielded lighting shall not exceed seventy-five (75) watts with incandescent fixtures OR EIGHTEEN (18) WATTS WHEN USING COMPACT FLUORESCENT FIXTURES within a 25 foot radius after 11:00 p.m. All illumination shall be so arranged as not to shine upon or reflect onto adjoining properties.

SECTION 3. That if any provision or any portion of any provision of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED BY the Mayor and Council of the Town of Fountain Hills, January 15, 2009.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:



Jay T. Schlum, Mayor



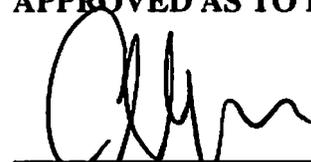
Bevelyn J. Bender, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:



Richard L. Davis, Town Manager



Andrew J. McGuire, Town Attorney